

EXHIBIT 2

UNITED STATE DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EUGENE SCALIA, SECRETARY OF LABOR,)
UNITED STATES DEPARTMENT OF LABOR,)
PLAINTIFF,)
)
V.)
) CIVIL ACTION NO. 1:20-cv-12217
)
SWEET LEMON, INC. d/b/a SWEET)
LEMONS THAI RESTAURANT, AND)
PORNTHIP NEAMPONG,)
DEFENDANTS,)

**DEFENDANTS, SWEET LEMON, INC. D/B/A SWEET LEMONS THAI RESTAURANT,
AND
PORNTHIP NEAMPONG'S
ANSWERS TO THE PLAINTIFF, EUGENE SCALIA, SECRETARY OF LABOR'S
FIRST SET OF REQUESTS FOR ADMISSIONS**

The Defendants, Sweet Lemon, Inc. in the above captioned matter, who, by and through their counsel, make the following Answers to the First Set of Request for Admissions of the Plaintiff.

REQUEST FOR ADMISSION # 1

Admit that from 03/23/2018 to 11/13/2019, Defendant Pornthip Neampong or Sweet Lemon, Inc. kept all tips that employees received from customers.

ANSWER # 1

Admit.

REQUEST FOR ADMISSION # 2

Admit that from 03/23/2018 to 11/13/2019, Defendant, Pornthip Neampong or Sweet Lemon, Inc. kept tips that employees received from customers.

ANSWER # 2

Admit.

REQUEST FOR ADMISSION # 3

Admit that certain employees listed on Exhibit A to the Complaint routinely worked 11 hour shifts on their workdays.

ANSWER# 3

Admitted that certain employees listed on Exhibit A to the Complaint routinely worked more than forty hours in a workweek.

REQUEST FOR ADMISSION # 4

Admit that certain employees listed on Exhibit A to the Complaint routinely worked five 11 hour shifts in a workweek.

ANSWER # 4

Admitted that certain employees listed on Exhibit A to the Complaint routinely worked more than forty hours in a workweek.

REQUEST FOR ADMISSION # 5

Admit that certain employees listed on Exhibit A to the Complaint routinely worked six 11 hour shifts in a workweek.

ANSWER # 5

Admitted that certain employees listed on Exhibit A to the Complaint routinely worked more than forty hours in a workweek.

REQUEST FOR ADMISSION # 6

Admit that during the Period of Investigation, certain employees listed on Exhibit A to the Complaint worked more than 40 hours in some workweeks.

ANSWER # 6

Admit.

REQUEST FOR ADMISSION # 7

Admit that during the Period of Investigation, you paid certain employees listed in Exhibit A to the Complaint, in cash, at their straight time rate for hour worked in excess of 40 in a workweek.

ANSWER # 7

Admit.

REQUEST FOR ADMISSION # 8

Admit that during the Period of Investigation, you did not pay employees an overtime premium for hours worked in excess of 40 in a workweek.

ANSWER # 8

Admit.

REQUEST FOR ADMISSION # 9

Admit that prior to or during the Period of Investigation, you knew of your responsibility to pay an overtime premium when employees worked more than 40 hours in a workweek,

ANSWER # 9

Deny.

REQUEST FOR ADMISSION # 10

Admit that during the Period of Investigation, you failed to keep true and accurate records of the number of hours that employees worked in each workweek.

ANSWER # 10

Admit.

REQUEST FOR ADMISSION # 11

Admit that during the Period of Investigation, you failed to keep true and accurate records of the hours that the employees listed in Exhibit A to the Complaint worked in excess of 40 hours in a workweek.

ANSWER # 11

Admit.

REQUEST FOR ADMISSION # 12

Admit that you submitted to the U.S. Department of Labor documents that failed to show the true and accurate number of hours that the employees listed on Exhibit A to the Complaint worked in excess of 40 hours in a workweek.

ANSWER # 12

Deny.

REQUEST FOR ADMISSION # 13

Admit that on 9/20/2019 Defendant Pornthip Neampong and Sweet Lemon, Inc. instructed employees to wait outside of the Restaurant until the Wage & Hour Investigator left the Restaurant.

ANSWER # 13

Deny.

REQUEST FOR ADMISSION # 14

Admit that during the Investigation, Defendant, Pornthip Neampong or Sweet Lemon, Inc. told employees to give inaccurate information to the Wage and Hour Investigator

ANSWER # 14

Deny.

REQUEST FOR ADMISSION # 15

Admit that Defendant Pornthip Neampong or Sweet Lemon, Inc. told employees to provide information concerning their hours worked to the Wage & Hour Invetigator

ANSWER # 15

Deny.

REQUEST FOR ADMISSION # 16

Admit that the Defendant, Pornthip Neampong or Sweet Lemon, Inc. told employees to provide information concerning their wages to the Wage & Hour Investigator.

ANSWER # 16

Deny.

REQUEST FOR ADMISSION # 17

Admit that Defendant, Pornthip Neampong or Sweet Lemon, Inc. asked employees to sign statements that read in part I request my employer to pay me \$12.00 an hour. I do not receive tips.

ANSWER # 17

Admit.

REQUEST FOR ADMISSION # 18

Admit that Defendant, Pornthip Neampong or Sweet Lemon, Inc. asked employees to sign statements that stated that the employees did not receive tips.

ANSWER # 18

Admit.

REQUEST FOR ADMISSION # 19

Admit that Defendant, Pornthip Neampong or Sweet Lemon, Inc. told employees not to work during the time that the Wage & Hour Investigator was at the Restaurant.

ANSWER # 19

Deny.

REQUEST FOR ADMISSION # 20

Admit that Defendant, Pornthip Neampong or Sweet Lemon, Inc. questioned employees concerning which employees were speaking with the Wage & Hour Investigator.

ANSWER # 20

Deny.

REQUEST FOR ADMISSION # 21

Admit that the Defendant, Pornthip Neampong or Sweet Lemon, Inc. questioned employees concerning what employees were communicating to the Wage & Hour Investigator.

ANSWER #21

Deny.

REQUEST FOR ADMISSION # 22

Admit that you were aware of the overtime requirements of the FLSA prior to 09/16/2019.

ANSWER # 22

Deny.

REQUEST FOR ADMISSION # 23

Admit that you were aware of the tip related provisions of the FLSA prior the 09/16/2019

ANSWER # 23

Deny.

REQUEST FOR ADMISSION # 24

Admit that you were aware of the record keeping provisions of the FLSA prior to 09/16/2019.

ANSWER # 24

Deny.

REQUEST FOR ADMISSION # 25

Admit that you took no efforts to determine, prior to 09/16/2019, whether your pay practices conformed to the requirements of the FLSA.

ANSWER # 25

Deny.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 25th DAY OF JULY 2021.



Sweet Lemon, Inc.
By:
Pornthip Neampong
Treasurer

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 25th DAY OF JULY 2021.



Pornthip Neampong